

REMARKS

The Examiner has rejected claims 34-37, 44 and 42-49 under 35 USC §103(a) as being unpatentable over Shickel (US Patent No. 4,784,891) in view of Naumovich, Jr. (US Patent No. 4,328,652). Claims 52 has been rejected under 35 USC 103(a) as being unpatentable over Shickel '891 in view of Naumovich, Jr. '652 and Beaupre (US Patent No. 4,310,587). In addition, claims 34-37, 42-49, 53-56 and 58 have been rejected under 35 USC 103(a) as being unpatentable over Fuhrer (US Patent No. 4,841,705) in view of Naumovich, Jr. '652 and Shickel '891. Claims 38-40 have been rejected under 35 USC 103(a) as being unpatentable over Fuhrer '705 in view of Naumovich, Jr. '652 and Shickel '891 and Maylon (US Patent No. 5,697,195). Claim 52 has been rejected under 35 USC 103(a) as being unpatentable over Fuhrer '705 in view of Naumovich, Jr. '652 and Shickel '891 and Beaupre '587. Claim 57 has been rejected under 35 USC 103(a) as being unpatentable over Fuhrer '705 in view of Naumovich, Jr. '652 and Shickel '891 and Curtis (US Patent No. 3,466,222). As hereinafter described, Applicant has amended the pending claims to more particularly define the invention for which protection is sought. Reconsideration of the Examiner's rejections is respectfully requested in view of the following comments.

Claim 34 defines a multi-layer covering comprising a laminate sheet adapted to cover an object surface, such as a surface of a building or other solid object, and to support an applied coating. The laminate sheet includes a fabric layer defining an outer surface of the multi-layer covering. A non-fabric backing layer is bonded to an inner surface of the fabric layer and is coextensive with the fabric layer. An adhesive is disposed on an inner surface of the backing layer and a removable protective layer covers the adhesive on the inner surface of the backing layer. The protective layer is removable to allow the multi-layer covering to be adhered to and cover the object surface, such that

the outer surface of the fabric layer provides a smooth surface for supporting the applied coating. The fabric layer is sufficiently porous to allow the applied coating to penetrate to the backing layer and the backing layer has a series of through holes adapted to allow the applied coating to penetrate through the backing layer to the object surface. As hereinafter described, nothing in the cited references shows or suggests a multi-layer covering with the above properties.

The Shickel '891 patent discloses a unitary product 17 comprising a layered insulation article 2 that is bonded to a fibrous medium 1 and disposed between the internal and external walls of a building. The article 2 has a layer of plastic 20, a layer of foil 24 and a layer of paper 26. Perforations 30 are formed through the article 2. The product is designed to improve the insulation of a wall or ceiling and is arranged adjacent to the internal cavity surface of a wall or ceiling. The product is designed to be arranged with the fibrous medium adjacent to the interior cavity surface of the wall and the insulation article either slightly spaced from the exterior wall or exposed to the ceiling or wall cavity. The Shickel product is completely non-analogous with the present invention as claimed.

In contrast, the present invention is a multi-layer covering including laminate sheet designed to be adhered to an outer surface of an interior or exterior wall and to support a coating on the wall. There is nothing in the Shickel '891 patent that suggests that the product could be adhered to the outer surface of a wall and used to support a coating. The product of the Shickel '891 patent is specifically designed to be used on the internal cavity surface of a wall. There is no suggestion in Shickel and no other reason that a person skilled in the art would want to apply the Shickel product to the outer surface of a wall. The very purpose of the product, to insulate and facilitate the release of moisture from the cavity of a wall, would be defeated by applying it to the outer surface of a wall.

Further, the product in the Shickel '891 patent is arranged with the fibrous medium 1 arranged adjacent to the wall surface and the insulation article 2 exposed. Shickel '891 teaches that "some space preferably exists between the article and the wall to allow air to circulate over the outer surface 25 of the layer 26" (Col 4, Ln 22-24). Shickel '891 also teaches that "the outer layer 26 can be directly exposed to a cold side environment such as in the case of a ceiling insulation system" (Col 4, Ln 63-65). Accordingly, Shickel teaches that the fibrous medium 1 is the inner layer arranged against the wall surface and that the insulation article 2 is exposed away from the wall surface. If for some strange reason, a person was to apply the product of Shickel to the outer surface of a wall, they would apply the product with the fibrous medium against the wall surface. This teaches directly away from the present invention as claimed, in which the laminate sheet has a fabric layer "defining an outer surface of the multi-layer covering" that "provides a smooth outer surface for supporting the applied coating" and a non-fabric backing layer provided between the fabric layer and an adhesive layer for adhering the backing layer to the surface of a wall.

Further, the fibrous medium of the Shickel '891 patent is not intended (and would not be able) to support any type of coating as it is an internal insulation material. The fibrous medium is preferably formed from fiberglass, mineral wool, slag wool or rock wool (Col 1, Ln 13-14). None of these materials is adapted to support a coating such as paint or rendering on the surface of building. In addition, there is nothing in the disclosure of the Shickel '891 patent that would lead a skilled person to apply the insulating material to the exposed surface of a wall in order to use the insulating material to support a coating of paint or rendering. Even if the insulating product of the Shickel '891 patent was applied to an outer surface of a building with the fibrous medium 1 as an outer layer, the fibrous medium 1 would not provide a surface that was adapted to support a coating nor would it be sufficiently porous to allow the applied coating to penetrate through the fibrous medium 1.

Accordingly, a person skilled in the art, faced with the problem addressed by the present invention of providing a surface covering on a wall to support a coating, would not consider the Shickel '891 patent relevant in any way, as it is directed to a completely different problem.

If the teaching of the Shickel '891 patent is combined with the teaching of the Naumovich, Jr. '652 patent, the result is a further divergence from the present invention. The Naumovich, Jr. '652 patent teaches that an adhesive layer and disposable sheet protecting the adhesive can be used to adhere insulation material to the interior surface of a wall, ie. within a wall cavity. When combined with the teachings of the Shickel '891 patent, this would result in an adhesive layer being applied to the surface of the fibrous medium with a disposable sheet protecting the adhesive, such that the fibrous medium could be adhered to the interior cavity surface of a wall, within the wall cavity. If the product is applied within a wall cavity, there is then no purpose for applying coatings to the product. Even if a person were to apply the product to an outer surface of a wall, the product would be adhered with the fibrous medium 1 against the wall surface and the article 2 would form the outer surface of the wall. This is contrary to the invention as claimed, which requires that the fabric layer defines an outer surface of the multi-layer covering.

The Fuhrer '705 patent discloses a wall covering system consisting of an insulation material 14 comprising a plurality of individual panels 30 fastened to a wall, a layer of fibrous matting 16 applied over and fastened to the insulation material and a coating applied to the fibrous matting. Firstly, the insulation material is applied to the wall, then the fibrous matting is applied over the insulation material and fastened to the wall with fasteners. A cement layer is then applied to the fibrous matting.

In contrast, the present invention as claimed is a unitary laminate sheet designed to be adhered directly to an outer surface of an interior or exterior wall, in a single application without the need for mechanical fasteners. The system of the Fuhrer '705

patent consists of bulky separate layers that each must be applied to the wall in independent stages. Or alternatively, as shown in Fig.4 individual panels prepared independently and then abutted to one another. The fastening of the layers and panels together and to the wall would likely to result in bunching of the matting and a resultant uneven cover of coating material on the outer surface, creating localized surface cracking.

The Fuhrer '705 patent teaches that "it is appreciated that such fibrous insulation does not serve to provide any appreciable support to the outer cementitious layer. The load instead is taken up by the fastener plates. The fibre structure of the insulation layer permits movement of the outer wall relative to the building wall due to a thermal expansion and contraction of the wall covering system relative to the building" (Col 8, Ln 3-9). Accordingly, it is an important feature of the Fuhrer design that the various layers are able to move relative to one another and the building wall in order to allow for thermal contraction and expansion. Such relative movement between layers would not be acceptable nor possible in a laminate sheet, in which the layers are bonded together, as claimed in the present invention, such that both bonded layers are able to support a coating.

As discussed above in respect of the Shickel '891 patent, the Shickel product is designed to improve the insulation of a wall or ceiling and is arranged adjacent to the internal cavity surface of a wall or ceiling. The Shickel product is designed to be arranged with the fibrous medium adjacent to the interior cavity surface of the wall and the insulation article either slightly spaced from the exterior wall or exposed to the ceiling or wall cavity. Accordingly, the Shickel product is completely non-analogous with the present invention as claimed and would not be considered relevant.

Notwithstanding the above, the Shickel '891 patent actually teaches away from any combination with the teaching of the Fuhrer '705 patent. As discussed above, Shickel teaches that the fibrous medium 1 is the inner layer arranged against the wall surface and that the insulation article 2 is exposed away from the wall surface.

Accordingly, the Shickel '891 patent teaches the formation of holes in the *outer* layer to allow the escape of vapors to the *outer surface* of the insulation article 2, ie. away from the wall surface. There is no teaching in the Shickel '891 patent of the formation of holes in a *backing* layer to allow a coating to penetrate through to the wall surface.

In view of the foregoing, it is believed that independent claim 34 defines over the cited references and is in proper form for allowance. Claims 35-40 42-49 and 52 depend either directly or indirectly from independent claim 34 and further define a multi-layer covering not shown or suggested in the prior art. It is believed that claims 35-40, 42-49 and 52 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Referring to claim 53, a method is provided of treating an object surface such as a wall, ceiling, roof, or floor. The method includes the steps of providing the multi-layer covering comprising a laminate sheet, as heretofore described with respect to claim 34, and removing the removable protective layer of the multi-layer covering. The multi-layer covering is applied to the object surface using the adhesive to retain the multi-layer covering in position. The multi-layer covering is applied so that so that substantially all of the object surface is covered by both the fabric layer and the backing layer and so that the outer surface of the fabric layer provides a smooth surface. One or more coatings is applied to the smooth outer surface of the multi-layer covering, such that the applied coating penetrates through the fabric layer and through the holes of the backing layer to the object surface.

As heretofore described with respect to independent claim 34, nothing in the Fuhrer '705 patent shows or suggests a multi-layer covering in accordance with the present invention. Further, as previously noted, it would not be obvious to modify the system of the Fuhrer '705 patent to provide the laminate sheet of the present invention. In fact, the teaching of Fuhrer actually teaches away from the combination of the Fuhrer

'705 and the Shickel '891 patents. By applying the multi-layer covering as a single laminate sheet, the application of the multi-layer covering is greatly simplified and provides a smooth securely supported surface and laminated matrix for supporting a coating. Consequently, it is believed that independent claim 53 defines over the cited references and is in proper form for allowance. Claims 54-58 depend either directly or indirectly from independent claim 53 and further define a methodology not shown or suggested in the prior art. It is believed that claims 54-58 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Applicant believes that the present application with claims 34-40 42-49 and 52-58 is in proper form for allowance and such action is earnestly solicited.

Should the Examiner have any questions or comments regarding this Response which would expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number appearing below.

Respectfully submitted,



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Dated: 1/14/10

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